

**Amendments to the Drawings:**

The attached sheets of drawings includes changes to Figs. 4 and 5. These sheets, which includes Figs. 4 and 5, replace the original sheets including Figs. 4 and 5. In Fig. 4, reference numeral 112 has been added, and in Fig 5, the label of decision block S11 has been corrected.

Attachment: Replacement Sheets

**REMARKS**

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1-25 are now pending, wherein claims 1-13 have been amended and claims 14-25 have been added. Support for new claims 14, 17, 20 and 23 can be found at least at claim 1; support for new claims 15, 18, 21 and 24 can be found at least at claim 3; and support for new claims 16, 19, 22 and 25 can be found at least at claim 4.

Applicant appreciates the Examiner's consideration of the documents cited in the Information Disclosure Statement filed on September 27, 2001. However, Applicant notes that another Information Disclosure Statement was filed on March 5, 2003, and the Office Action has not indicated consideration of the documents cited therein. For the Examiner's convenience, enclosed please find a copy of the Information Disclosure Statement and form PTO-1449 filed on March 5, 2003, as well as a date stamped postcard indicating receipt of such by the U.S. Patent Office on March 5, 2003. Accordingly, Applicant respectfully requests that the Examiner consider the documents cited in the Information Disclosure Statement and indicate such consideration by returning an Examiner-initialed copy of the attached form PTO-1449.

Figures 4 and 5 are objected to for minor informalities. Submitted herewith are corrected versions of Figures 4 and 5 addressing the minor

informalities identified in the Office Action. Accordingly, withdrawal of the objection to the drawings is respectfully requested.

The Abstract is objected to because it exceeds 150 words. An amended Abstract is attached hereto which contains less than 150 words.

The specification is objected to for minor informalities. The specification has been amended to correct the typographical errors identified by the Office Action. Accordingly, withdrawal of the objections to the Abstract and the Specification are respectfully requested.

Claims 1-3, 5 and 7-13 are objected to for minor informalities. Although it is respectfully submitted that some of the informalities identified in the Office Action are not in fact informalities, in order to expedite prosecution of the application, these claims have been amended to address the concerns raised in the Office Action. Accordingly, withdrawal of the objection to claims 1-3, 5 and 7-13 is respectfully requested.

Claims 1-5 and 7-12 are rejected under 35 U.S.C. § 112, second paragraph. This ground of rejection is respectfully traversed.

Claims 1-4 and 7-9 are rejected because independent claim 1 allegedly does not set forth any steps involved in the method/process, and the claim is allegedly indefinite because it merely recites a use without any active, positive steps to limiting how this use is actually practiced. However, it is respectfully

submitted that claim 1 does recite active positive steps. For example, claim 1 recites that "time required for a data transmission based on the first mode, and time required for data transmission based on the second mode are *calculated*, and *compared*, and transmission of the data is *achieved* through the mode that is found to have less time for transmission of the data." (*emphasis added*). Accordingly, because claim 1 recites steps of calculating, comparing and achieving transmission of data, it is respectfully submitted that claim 1 does in fact recite active positive steps, and accordingly, claim 1 is definite.

With respect to claims 5 and 10-12, claims 5 and 12 are objected to because of the recitation of "each of the transmission modes above." Claims 5 and 12 have been amended to recite "each of a number of transmission modes." Accordingly, it is respectfully submitted that claims 5 and 12 are now sufficiently definite.

For at least those reasons stated above, it is respectfully requested that the rejection of claims 1-5 and 7-12 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claims 6 and 13 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,108,723, to Simms et al. ("Simms") in view of Japanese Publication Number JP 63-254554 ("Seki"). This ground of rejection is respectfully traversed.

The combination of Simms and Seki does not render Applicant's claim 6 unpatentable because the combination does not disclose or suggest all the elements of Applicant's claim 6. For example, the combination does not disclose or suggest "a control means to cause the received data to be stored in the storage means according to the mode identified by the analysis means." To reject Applicant's claim 6, the Office Action relies upon Simms as disclosing the storage means and control means recited in Applicant's claim 6. In particular, the Office Action asserts that control logic 206 and Read Only Memory (ROM) respectively correspond to the control means and storage means recited in Applicant's claim 6. Applicant's claim 6 recites that the control means causes the received data "to be stored in the storage means." However, ROM 208 of Simms is a Read Only Memory, and accordingly, cannot be written to. Therefore, Simms does not disclose or suggest that control logic 206 causes received data to be stored in ROM 208 as asserted by the Office Action.

The Office Action only provides an English language abstract of Seki, which does not remedy the above identified deficiencies of Simms with respect to Applicant's claim 6.

Additionally, the combination of Simms and Seki does not disclose or suggest a control means which causes the received data to be stored in the storage means "according to the mode identified by the analysis means." As discussed above, the ROM 208 of Simms relied upon the Office Action as

corresponding to the storage means of applicant's claim 6, is a Read Only-type memory and cannot be written to. Accordingly, Simms cannot disclose a control means causing received data to be stored in the storage means according to an identified mode as recited in Applicant's claim 6. Additionally, Seki does not remedy this deficiency of Simms with respect to Applicant's claim 6.

Because the combination of Simms and Seki does not disclose or suggest the control means recited in Applicant's claim 6, the combination cannot render Applicant's claim 6 unpatentable.

Applicant's claim 13 recites a control unit similar to the control means recited in Applicant's claim 6. Accordingly, the combination of Simms and Seki does not render Applicant's claim 13 unpatentable for similar reasons for those discussed above with regard to Applicant's claim 6.

For at least those reasons stated above, it is respectfully requested that the rejections of Applicant's claims 6 and 13 as allegedly being obvious in view of the combination of Simms and Seki to be withdrawn.

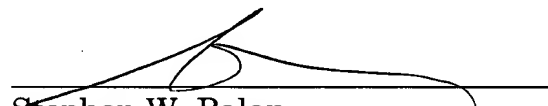
New claims 17-19 and 23-25 variously depend from claims 6 and 13. Accordingly, these claims are patentably distinguishable over the combination of Simms and Seki for at least those reasons set forth above with regard to claims 6 and 13.

All outstanding objections and rejections having been addressed, is respectfully submitted that the present application is in condition for allowance. Notice to this effect is earnestly solicited. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #010642.50458US).

Respectfully submitted,

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